

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>CHRISTOBAL RUIZ,</b>	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>CIVIL ACTION</b>
	:	<b>No. 18-880</b>
	:	
<b>THOMAS McGINLEY et al.,<sup>1</sup></b>	:	
<b>Respondents.</b>	:	

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**ORDER**

This 21st day of February, 2023, for the reasons outlined in the accompanying memorandum, it is hereby **ORDERED** that Petitioner's Objection to the R&R, ECF 10, is **SUSTAINED**. The Court deems the Petition timely filed under the doctrine of equitable tolling. Petitioner is further granted leave for counsel to file an amended petition.

/s/ Gerald Austin McHugh  
United States District Judge

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<sup>1</sup> The current superintendent of S.C.I. Coal Township, where Ruiz is now incarcerated, is Thomas McGinley. The proper respondent in a habeas petition is the current superintendent of a petitioner's current facility, and the caption should be changed accordingly. *See* Rule 2(a), Rules Governing Section 2254 Cases (2019).